

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

APPLICATION OF ENTELEAGENT SOLUTIONS, INC.)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE FACILITIES BASED)
LOCAL EXCHANGE AND RESOLD LONG)
DISTANCE TELECOMMUNICATIONS SERVICES)
AND FOR FLEXIBLE REGULATION OF ITS LOCAL)
EXCHANGE SERVICES AND ALTERNATIVE)
REGULATION OF ITS LONG DISTANCE)
SERVICE OFFERINGS)

Docket No. _____

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT C AS TRADE SECRET**

Introduction

Enteleagent Solutions, Inc. ("EnTeleagent" or "Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive financial statements attached as ***Exhibit C***, filed as Trade Secret to the Application of Enteleagent Solutions, Inc. for a Certificate of Public Convenience and Necessity to Provide Facilities Based Local Exchange and Resold Long Distance Telecommunications Services and For Flexible Regulation of its Local Exchange Service and alternative Regulation of its Long Distance Service Offerings ("Application"). Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

EnTelegent Solutions, Inc.
3800 Arco Corporate Drive, Suite 310
Charlotte, North Carolina 28273
Telephone: (704) 936-2365
Facsimile: (866) 295-0471
Toll Free: (800) 975-7192
Website: www.entelegent.com

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P.O. Box 944
Columbia, SC, 29202
Tel: 803-779-8900
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with a copy to:

Carey Roesel
Consultant
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
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I. Description of Confidential Information.

3. The Application requires EnTelegent to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

II. Grounds for Claim of Confidentiality.

4. EnTelegent is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Exhibit C* to the Application are not readily available to persons external to EnTelegent.

5. Because the financial statements submitted by EnTelegent in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, EnTelegent seeks to protect such material from public disclosure. EnTelegent derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which EnTelegent provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. EnTelegent clarifies herein that its request for protection applies only to the documents attached as *Exhibit C* to the Application. EnTelegent is not seeking protection of any type for those reports EnTelegent is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

CONCLUSION

7. The financial information included in support of EnTelegent's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The

substantial and direct harm that could be caused to EnTelegent as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required EnTelegent to make this information available to the public. For all these reasons, the projected financial statements attached as *Exhibit C* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, EnTelegent respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the audited financial statements attached as *Exhibit C* to the Application of EnTelegent Solutions, Inc., for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation filed *under seal* as Confidential in this proceeding.

Dated this 24th day of March, 2009.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

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